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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,540	01/25/2000	Shlomo Kipnis	NDS-300.USA	7274

7590

10/10/2003

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/490,540

Applicant(s)

KIPNIS ET AL.

Examiner

Frantzy Poinvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/14/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11,13,15,16,18-27 and 41-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11,13,15,16,18-27 and 41-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

Regarding the status of the claims in the instant application, the Examiner has made an updated search and found new prior art. The Examiner is obliged to apply the newly found prior art. The Examiner regrets the delayed process of the application.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 15, 16 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao et al. (US Patent No. 6,529,725).

As per claims 1, 2, 5, 15, 16, 26 and 27, Joao teaches a portable transaction device comprising a transaction apparatus operative to participate in a monetary transaction. Joao also

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teaches an authorization means/apparatus to authorize the transaction (column 5, lines 20-27). Joao further discloses a control apparatus operative to store the stored authorization parameters. The parameters may be an identity of a user. The system further comprises storing a type of transaction, a proximity location or a distance from a predetermined location at which the portable device is authorized and a time period during which a user is authorized to use the portable transaction device. Applicant is directed to column 7, lines 47-67 of Joao.

As per claim 2, note column 8, lines 1-35.

As per claims 3-4 an identification or password is supplied prior to an authorized usage of the transaction device.

As per claim 5, the transaction device may be a smart card which contain a keypad.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (US Patent No. 6,529,725) as applied to claim 1 above, and further in view of Sehr (US Patent No. 6,325,292).

As per claims 6-8, Joao does not explicitly state an input device comprising a voice recognition, a biometric or a fingerprint. Sehr teaches a financial transaction device comprising an input device comprising a keyboard (inputting device), and a touch screen (physical

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recognition device). Note the abstract and column 6, lines 9-18 of Sehr. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Sehr into Joao in order to provide a plurality types of identification therein. The motivation would have been to enhance the security of the Joao system.

5. Claims 9-10, 11, 13, 18-19, 22-25 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (US Patent No. 6,529,725) as applied to claims 1, 15 and 42 above, and further in view of Foladore et al. (US Patent No. 5,914,472).

As per claims 9-10, 11, 13, 18, 19 and 42-46 the teachings of Joao are discussed above. Joao does not explicitly teach having a plurality of users assigned to use the transaction device. Foladore et al disclose a credit card spending authorization system wherein a parent being the primary holder of an account, supplies an ancillary card to a child. Note column 2, lines 34-58 of Foladore et al. Authorization of a new user and the identity of a user who is authorized to use the transaction device is determined. Note column 3, line 65 to column 4, line 57 of Foladore et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Foladore et al into Joao in order to provide a purchasing transaction card to a child in case the child is out of state or in a different location from their parents in order to set a spending limit.

As per claims 22-23 both Joao and Foladore et al determines a transaction limit and a predetermined monetary limit to be used.

As per claims 24 and 25 see the rejection of claim 1 above.

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6. Claims 20, 21 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (US Patent No. 6,529,725) as applied to claim 1 above, and further in view of Remillard (US Patent No. 5,561,709).

As per claims 20-21 and 41, the teaching of Joao are discussed above with respect to claim 1. Joao does not explicitly teach the portable element comprising a control device for controlling electronic equipment such as a television remote control device. Remillard discloses a financial apparatus which may be used as an electronic equipment such as a remote control device. Note the abstract of Remillard.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Reillard into Joao in order to determine usage of a control equipment thereby, limiting usage of a control equipment such as a remote control or a financial device.

7. Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (US Patent No. 6,529,725) and Foladore (US Patent No. 5,914,472) as applied to claim 42 above, and further in view of Sehr (US Patent No. 6,325,292).

As per claims 47-49, the teachings of Joao and Remillard are discussed above. Joao does not explicitly state an input device comprising a voice recognition, a biometric or a fingerprint. Sehr teaches a financial transaction device comprising an input device comprising a keyboard (inputting device), and a touch screen (physical recognition device). Note the abstract and column 6, lines 9-18 of Sehr. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Joao and Remillar into Seher in order to

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provide a plurality types of identification therein. The motivation would have been to enhance the security of the Joao system.


***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) (872-9327). .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP  
9/24/03

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3628